

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on February 7, 2003
at 3 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Joe Balyeat (R)
Rep. Bob Bergren (D)
Rep. Ronald Devlin (R)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Bernie Olson (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 463, 2/3/2003
Executive Action: HB 189

HEARING ON HB 463**Sponsor:** REPRESENTATIVE DAVE GALLIK, HD 52**Opening Statement by Sponsor:**

REP. GALLIK introduced HB 463 as a consumer bill. This bill deals with uninsured motorist and under-insured motorist coverage. These two types of insurance are personal policies, which means that even though these types of insurance are sold with vehicle insurance, they do not go with the vehicle, they go with the person. This bill would repeal the antistacking statute that is current law in Montana. The antistacking laws says that even if you have five cars insured and all have personal uninsured motorist and under-insured motorist coverage, in the event of an accident, the insurance company only has to pay on one of these policies. The consumer should be able to use all five policies because they are paying for five policies.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 12.7}

Proponents' Testimony:

Professor Greg Monroe, Montana University of Montana, School of Law. Written testimony is in Exhibit 1.

EXHIBIT(trh27a01)

{Tape: 1; Side: A; Approx. Time Counter: 12.7 - 27.9}

Al Smith, Montana Trial Lawyers, supports this bill.

EXHIBIT(trh27a02)

{Tape: 1; Side: A; Approx. Time Counter: 27.9 - 30}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 2.8}

Opponents' Testimony:

Roger McGlenn, Montana Independent Insurance Agent opposed this bill. The bill will increase costs which will be passed on to the consumer.

{Tape: 1; Side: B; Approx. Time Counter: 2.8 - 6.2}

Randy Nelson, Mountain West Farm Bureau Mutual Insurance Co. of Billings. The current law causes some confusion in the Montana legal system. They opposed this bill.

EXHIBIT(trh27a03)

{Tape: 1; Side: B; Approx. Time Counter: 6.2 - 26.8}

Jacqueline Lenmark, American Insurance Association, Greg Van Horssen, State Farm Insurance, Jon Metropolis, Farmers Insurance. These associations opposed this bill.

{Tape: 1; Side: B; Approx. Time Counter: 26.8 - 30}

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. OLSEN, GOLIE, BALYEAT, DEVLIN and WAITSCHIES questioned the witnesses for a complete explanation of the intent of the current law.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 30}

{Tape: 2; Side: B; Approx. Time Counter: 0 - 8.8}

Closing by Sponsor:

REP. GALLIK closed with a summary of the testimony and explained that the consumer was not getting what he paid for.

{Tape: 2; Side: B; Approx. Time Counter: 8.8 - 18.4}

EXECUTIVE ACTION ON HB 189

Motion: **REP. BALYEAT** moved that **HB 189 DO PASS.**

Motion/Vote: **REP. BALYEAT** moved that **HB 189 BE AMENDED.** Amendment #18903 #1 (Segregated). **Motion carried unanimously.**

EXHIBIT(trh27a04)

Motion/Vote: **REP. BALYEAT** moved that **HB 189 BE AMENDED.** Amendment 18903 #2 (Segregated). **Motion carried unanimously.**

Motion: **REP. DEVLIN** moved that **HB 189 DO PASS AS AMENDED.**

Motion/Vote: REP. GALLIK moved that HB 189 BE AMENDED. Motion carried 11-2 with REPS. GOLIE and KEANE voting no.

EXHIBIT(trh27a05)

Motion: REP. DEVLIN moved that HB 189 DO PASS AS AMENDED.

Substitute Motion/Vote:

REP. GOLIE made a substitute motion that HB 189 BE TABLED. Substitute motion carried 8-5 with REPS. BERGREN, BOOKOUT-REINICKE, DEVLIN, OLSON, and WAITSCHIES voting no by roll call vote.

{Tape: 2; Side: B; Approx. Time Counter: 18.4 - 30.}

{Tape: 3; Side: A; Approx. Time Counter: 0 - 19.4}

ADJOURNMENT

Adjournment: 5:30 P.M.

REP. KARL WAITSCHIES, Chairman

PATI O'REILLY, Secretary

KW/PO

EXHIBIT (trh27aad)